



# Lexington Police Department

Lexington, Kentucky

## GENERAL ORDER

BY THE AUTHORITY OF THE CHIEF OF POLICE

### **G.O. 1992-02G Traffic Law Enforcement**

Rescinds: GO 1992-02F

References: CALEA Chapter(s) 61; 82

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## **I. PURPOSE**

The purpose of this policy is to provide guidelines for the department regarding uniform traffic law enforcement actions.

## **II. POLICY**

It shall be the policy of the Lexington Police Department that uniform enforcement supports the ultimate aim of traffic law enforcement, which is to achieve voluntary compliance with traffic laws and regulations.

It shall also be the policy of the department that the traffic law enforcement practices of the department, including visible traffic patrol, should foster trust in the department's enforcement practices while increasing voluntary compliance by motorists and pedestrians.

This policy does not supplant officer judgment and discretion. Officer discretion is encouraged when enforcing traffic laws. The officer should decide what enforcement, if any, is appropriate based on the totality of the circumstances and the officer's training, experience, and common sense.

Enforcement actions should be commensurate with applicable laws and take into account the degree and severity of the violation committed. Warning notices may be substituted for physical arrests or issuing uniform citations when circumstances warrant, especially in the case of inadvertent violations.

Enforcement action alternatives incidental to traffic law violations include:

- \* Physical Arrest
- \* Uniform Citation (notice to appear); and
- \* Warning Notices

## **III. ENFORCEMENT OF TRAFFIC LAW VIOLATIONS**

A. The uniform enforcement of traffic law violations includes, but is not limited to, the following:

1. Operation of a vehicle by a driver under the influence of alcohol or drugs;
2. Operation of a vehicle after driving privileges have been suspended or revoked;

3. Speed violations;
4. Hazardous violations;
5. Off-road vehicle violations;
6. Equipment violations;
7. Public carrier/commercial vehicle violations;
8. Non-hazardous violations;
9. Multiple violations;
10. Newly enacted laws and/or regulations;
11. Violations resulting in traffic collisions; and
12. Pedestrian and bicycle violations.

#### **IV. TRAFFIC STOPS**

A. Traffic stops can be very serious situations for officers, as unknown and high-risk situations can create anxiety for both officers and violators. Officers shall use caution while conducting traffic stops in order to evaluate the behavior of the violator and the seriousness of the offense.

##### **B. General Guidelines- Traffic Law Violators**

1. Officers shall utilize sound methods for making effective stops that are safe for the officer and the motorist. The officer will take into consideration the prevailing traffic, roadway, vehicle limitations, and environmental conditions when making the determination to stop a vehicle and when selecting the location for the stop.
2. Officers shall adhere to prescribed training methods when performing traffic stops and when approaching and making contact with traffic law violators.
3. Officers are discouraged from making traffic stops in department vehicles not equipped for emergency operation unless the offense committed by the traffic law violator is one that poses an immediate threat of death or serious physical injury to a person, or the violation is a felony.
4. The officer making the stop shall make an appropriate effort to identify themselves to the traffic law violator as a sworn officer prior to taking any enforcement action.
  - a. Plainclothes officers performing traffic stops in department vehicles shall wear a department approved ball cap and "POLICE" florescent wrist strap on the wrist of the weapon hand to identify themselves to other officers.
  - b. Officers in plain clothes shall bear in mind that merely stating the fact that they

are a police officer may not establish that fact in the mind of the traffic law violator.

5. Officers are encouraged to utilize the spotlight and all other emergency lights when performing nighttime traffic stops.

6. Officers shall utilize appropriate emergency equipment when notifying a motorist of the intention to stop them. Officers are encouraged to keep appropriate emergency equipment on during the entire course of the traffic stop, based on officer safety, public safety, location and circumstances.

7. Officers shall utilize the vehicle's public address system to address the occupants and/or driver of the stopped vehicle when the situation (such as felony stops or high risk stops) suggests that this would be the safest course of action.

8. Officers assigned to patrol or traffic enforcement are permitted to use stationary, covert, or overt observation locations in the enforcement of traffic violations in their assigned areas, beats, or special geographic boundaries.

9. The use of unmarked or unconventional vehicles for traffic enforcement shall be authorized and approved by the Chief of Police.

### C. Unknown Risk Stops

1. Unknown risk stops are all traffic stops, other than felony stops or high risk stops.

a. Officers are reminded that no traffic stop is "routine".

2. While performing unknown risk traffic stops, officers should maintain awareness of the possibility of changing levels of threat and risk involved.

3. After observing a violation in which the officer can identify the operator and vehicle, a traffic stop shall be initiated by the officer.

4. When initiating an unknown risk stop, the officer shall adhere to the following procedures:

a. Advise E911, via police radio, of the location and vehicle registration number prior to initiating the stop.

b. Activate appropriate emergency equipment after selecting the stop location.

c. If any unusual activity is observed, officers shall request assistance before contacting the violator.

d. After making the stop, the officer shall make contact with the violator.

5. Officers making contact with violators during a traffic stop shall observe the following, whenever possible:

- a. Greet the violator and appropriately identify themselves as an officer
  - b. Explain the reason for stopping the violator
  - c. Ask the operator of the vehicle if there was a legitimate reason for doing what they did
  - d. Ask where the driver's license, insurance, and registration information is located before asking them to retrieve any document
  - e. Give instructions to the violator to follow (e.g. remain in the vehicle and buckle up) as the officer reviews documentation and decides what action to take
  - f. Issue the appropriate warning or citation and let the violator know that the traffic stop is over
6. When communicating with the violator, the officer shall observe for any impairment caused by alcohol or drugs.
7. All officers should be constantly aware of the dangers associated with traffic stops and should be in control of the situation at all times. The officer shall maintain a safe position and observe for any unusual activity. Upon contact with the violator, officers should avoid turning their backs to the violator when returning to the cruiser.
8. The officer shall also maintain control of their emotions even when confronted with verbal abuse from the violator.
9. If a traffic citation or warning notice is issued, it shall be completed in a timely manner.
10. When a motorist is charged with a violation, it is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Information to be provided related to the specific charge includes:
- a. The reason for the citation (specific charge);
  - b. The date of the court appearance (court appearance schedule);
  - c. The optional or mandatory nature of the court appearance by the motorist;
  - d. Notice of whether the motorist is allowed to enter a plea and/or pay the fine by mail or at District Court; and
  - e. Other information that must be provided to the motorist prior to release.
11. When a motorist is charged with a violation, the officer issuing a traffic citation will also provide a copy of the Citation Instruction Sheet (or its printed electronic equivalent) with the citation. This information augments the information provided verbally by the officer.

12. The officer shall assist any violator that needs assistance in returning to the flow of traffic.

13. Any officer who issues a citation or makes an arrest of the operator of any Urban County Government vehicle shall promptly verbally notify their supervisor. The officer will also make a copy of the uniform citation, and/or related electronic case reports and forward them to their immediate supervisor prior to the end of the shift.

a. The supervisor shall forward the information to the Chief of Police through the chain of command.

#### D. Felony Stops and High Risk Stops

1. Felony stops and high risk stops require the use of additional precautions and procedures that are normally unnecessary when performing an unknown risk stop.

a. Felony Stop: A traffic stop in which an occupant(s) of a vehicle are sought for the commission of a felony offense, or the stopped vehicle accurately matches the description of a suspect vehicle for any serious offense or for being a stolen vehicle.

b. High Risk Stop: A traffic stop in which an occupant(s) of a vehicle are suspect in the commission of any offense involving violence (assault), subjects are thought to be armed, or the behavior of the driver and/or passengers prior to the stop alerts the officer to the possibility of increased danger when performing the stop.

2. During Felony Stops and High Risk Stops the officer shall:

a. Alert E911 and:

1. Request a back-up unit
2. Advise present location and direction of travel; updating as needed
3. Advise vehicle registration and description
4. Specify the reason for stop (wanted subject, stolen, charges pending, etc.)
5. Specify weapons involved, if known
6. Advise the number of occupants of the vehicle
7. Advise any other pertinent information

b. When back-up arrives to assist on the stop, coordinate the general termination point of the stop with the assisting units. It is imperative that the stop be conducted away from large concentrations of civilians, as much as possible (i.e. shopping centers). This may be accomplished in some instances by simply delaying the stop until the vehicle passes a business district or until it pulls off of a main thoroughfare.

- a. Boxing-in an unaware suspect in order to avoid a pursuit is permissible in extreme circumstances.
- c. Advise E911 of the location of the stop.
- d. Utilize emergency lights and siren to notify the driver of the suspect vehicle of the intent to stop them. Utilize the PA system if necessary.
- e. Offset the cruiser behind the suspect vehicle at a safe distance.
- f. The officer initiating the stop should utilize the PA system to give directions to the driver/passengers on turning off the car, displaying hands, exiting the vehicle individually and other directions as needed.

E. Medical Review Board Affidavit

1. When an officer encounters a licensed Kentucky driver who has suspected incompetency, physical or mental disability, disease, or other conditions that might prevent the person from exercising reasonable and ordinary care over a motor vehicle, the officer shall complete the Kentucky Transportation Cabinet Division of Driver Licensing Medical Review Board Affidavit (KY Form TC 94-61).
  - a. Completion of this form facilitates bringing the actual or suspected impairments to the attention of the state's drivers licensing authority.
2. The form will document why the named individual cannot safely operate a motor vehicle.
3. Officers may report drivers to the Medical Review Board for one of the following reasons:
  - a. If the driver has been observed by the officer driving or behaving in an erratic or dangerous manner which indicates the possibility of a physical or mental impairment
  - b. If the driver has indicated to the officer that he/she has blacked out, lost consciousness or suffered a seizure prior to a reportable motor vehicle collision
4. The officer is responsible to complete the form and ensure it is forwarded to the Medical Review Board either by:
  - a. Mailing it to:

Division of Driver Licensing  
Attn: Medical Review Board  
200 Mero Street  
Frankfort, KY 40622
  - b. Faxing it to:

FAX: (502) 564-0109

FAX: (502) 696-5196

FAX: (502) 696-1912

5. The Medical Review Board Affidavit does not require notarization when completed by an officer.
6. The Medical Review Board is the records custodian of the Medical Review Board Affidavit (KY Form TC 94-61). The department does not retain a copy. If the named individual requests a copy of the completed document from the officer, or from the department, they shall be referred to the Medical Review Board.
7. If citizen requests assistance in reporting an impaired driver and the officer did not witness erratic or dangerous behavior, the citizen can be provided a copy of the Medical Review Board Affidavit (KY Form TC 94-61) and/or referred to the Medical Review Board website (part of the Kentucky Transportation Cabinet) for information and assistance.

#### F. Off-Road Vehicle Violations

1. All off-road vehicles abandoned on the roadway shall be towed and cited for infractions.
2. Juvenile offenders involved in violations using off-road vehicles will be handled the same as all traffic offenses involving juveniles.
3. Off-road vehicles that are not registered for highway use shall be issued a citation for all violations to include the registration certificate.
  - a. KRS 189.515 permits the operation of off-road vehicles on two-lane public highways in order to cross the road. The driver must cross at as close to a 90-degree angle as possible and cannot be on the road for more than 2/10 of a mile.
  - b. An off-road vehicle can be used on the roadway if the driver is engaged in farm-related activities, construction, and road maintenance or snow removal.
  - c. The following conditions have been established relating to the driver and vehicle when being operated on a public highway:
    1. The operator must possess a valid driver's license.
    2. The operator must comply with all traffic laws.
    3. The off-road vehicle must have at least one headlight and two taillights. All lights must be operational.
    4. The off-road vehicle cannot be on the road during nighttime unless used for snow removal or emergency road maintenance.
4. Off-road vehicles that misuse public trails or traffic way crossings can be cited under KRS 189.860 or RCO 18-148.

## V. DOCUMENTATION OF TRAFFIC STOPS

A. Traffic citations for non-residents of Fayette County shall be documented and processed in the same manner as a citation for a local resident.

B. Traffic citations received by licensed juveniles under the age of 18 shall be marked as a mandatory court appearance, and the driver shall be informed that they must bring a parent or guardian to the court date.

### C. Officer's Responsibility

1. Officers shall advise E911 of all traffic stops prior to initiating the stop. A case number shall be assigned to all traffic stops cleared with a Code 9 or Code 9A.

a. Code 9 is the radio disposition code for issuing a traffic citation.

b. Code 9A is the radio disposition code for issuing a warning notice.

2. Officers shall officially document all traffic stops by issuing either a hard copy or electronic traffic citation or a warning notice.

3. Issuing both a traffic citation and a warning notice to a motorist during a single traffic stop is not permitted.

4. An officer should exercise discretion when they stop a motorist and determines that the motorist and/or passengers are involved in an actual emergency. Emergencies may include, but are not limited to:

a. The motorist or a passenger has serious injuries or other medical emergency

1. Refer to the guidelines located in GO series 1992-01 Traffic Administration and Support Services regarding assisting or escorting private vehicles that involve emergency situations

b. Medical personnel responding to an emergency at a hospital

c. Emergency workers responding to a major event

5. In the above and similar instances, an officer may instruct the motorist to proceed safely and to operate their vehicle in compliance with traffic laws.

a. Traffic stops performed under these circumstances do not require the issuance of a citation or warning notice

b. Officers shall utilize Code 4 to clear the traffic stop

### D. Issuing a Warning Notice

1. Officers shall complete either the Warning Notice Section (KRS) or the Courtesy Stop/Vehicle Investigation Section of Form 343. Notices with both sections completed will be returned so that the officer can select the primary reason for the stop.
2. Warning notice issued in lieu of a uniform citation serves to notify a motorist of:
  - a. Driving behavior that can result in the issuance of a uniform citation
  - b. Driving behavior that suggested intoxication or the influence of illegal substances, but has been ruled out by sobriety tests
  - c. Vehicle maintenance items that need prompt attention and can result in a citation (i.e. no illuminated license plate)
  - d. All other citable offenses
3. Warning notices shall not be issued to motorists who are stopped for, or are found to be in violation of multiple offenses.
4. Warning notices shall not be issued to motorists whose actions constitute a misdemeanor.
5. Warning notices shall be issued in conjunction with a warrant or criminal summons when no other traffic offense is involved.
6. Issuing a Courtesy Stop/Vehicle Investigation Notice
  - a. Courtesy Stop/Vehicle Investigation Notice issued in lieu of a uniform citation serves to notify a motorist:
    1. Of information when they appear lost
    2. Of a vehicle maintenance item that needs prompt attention (i.e. one working taillight or low tire)
    3. Of loose item(s) on the vehicle that pose a hazard
    4. That they or an occupant matches the description of a subject sought by the department
    5. Of the similarity of their vehicle to one involved in criminal activity
    6. Of information not covered by the aforementioned categories
7. The warning notice may be used as an FI by checking the box indicating such in the lower right corner of the form. The warning notice should not be used for this purpose in conjunction with a uniform citation. If passengers in the vehicle, other than the driver, will have an FI completed on them, then a currently approved version of the department Field Interview Card (Form 207) shall be utilized.

#### E. Uniform Citations

1. The Kentucky Uniform Citation Manual outlines the information necessary for the proper completion and processing of uniform citations through the courts and the Kentucky State Police Records Section. In order for the Central Records Unit to process the uniform citation, the uniform citation should be legibly written and contain all the necessary information. Central Records employees require the following additional information:

- a. The assigned case number
- b. The nearest cross street or numerical address
- c. All vehicle information
- d. The proper violation code
- e. The proper KRS number or RCO number as well as an abbreviation of the charge

2. When signing the uniform citation, officers will write (sign) at least their first and middle initial followed by their last name, employee number, and assignment. Nicknames are not adequate identification. The signature, badge number and assignment shall be written legibly.

3. It is not the responsibility of detention facility personnel to insert the proper KRS, RCO or violation code numbers on the uniform citation for the officer. In the event an officer is unable to locate the proper number, they should contact their immediate supervisor for assistance.

4. On-duty officers shall turn in uniform citations and warning notices to a supervisor or Central Records prior to the end of the shift. Off-duty officers shall turn in uniform citations and warning notices upon return to normal duty. Off-duty officers shall not hold in their possession a uniform citation or warning notice for more than three days.

#### F. Contact with Violators Operating on Suspended or Revoked License

1. Officers may not ordinarily make a physical arrest of an individual who is operating a motor vehicle when their driving privileges have been revoked or suspended unless the officer can document the offender will not appear in court. Officers shall use their own discretion when deciding whether to arrest or cite an injured subject or someone with other physical limitations. Every effort shall be made to confirm the revoked or suspended status of the driver. If an operator's license check cannot determine the status of the driver, or if documentation presented by the driver indicates that they are eligible for reinstatement, then a citation shall be issued rather than a physical arrest.

2. If the officer makes a physical arrest of an individual who is operating a motor vehicle when their driving privileges have been revoked or suspended, the officer will complete both a uniform citation and the currently approved electronic case report.

3. Officers shall retain suspended or revoked drivers licenses and forward them to the Central Records Unit for processing prior to the end of their shift. The officer shall staple or attach the

license to the citation or photocopy of the citation indicating the charge of suspended/revoked driver's license. Under no circumstances shall officers maintain a motorist's license in their possession past the end of their shift. This does not preclude an officer from booking a driver's license into evidence, as long as the license is released or turned in to Central Records at the conclusion of court proceedings. It is the officer's responsibility to have license in evidence forwarded to Central Records at conclusion of the case.

4. The Central Records Unit shall forward suspended/revoked licenses to the Department of Transportation, Hearing and Reinstatement Office, 162 E. Main Street, Room 230, Lexington, KY 40507. The Hearings and Reinstatement personnel will process Kentucky licenses and return those that are the property of another state.

## **VI. ELECTRONIC CITATION (E-CITATION) PROCEDURE AND ACCOUNTABILITY**

A. Electronic citation numbers shall be downloaded to an MDC while docked in the vehicle or while docked in one of the provided docking stations at the roll call centers, police headquarters, or the Fayette County Community Corrections. Employees without an MDC may download citations onto a desktop computer utilizing the Electronic Citation Program. Employees shall only download citation numbers to their assigned MDC or desktop computer. Citations shall not be downloaded on more than one computer.

B. Users shall log in to E-Citation using their own username and password, which shall be protected. An officer shall not log in using another person's username and password.

C. Electronic copies of uniform citations to be issued shall be printed. In a non-arrest situation, a copy shall be given to the violator, while in an arrest situation a copy shall be turned in to the detention facility. In an arrest situation, a currently approved electronic case report will also be completed and turned in to the officer's supervisor.

D. In the event an officer is notified by the court designated worker (CDW) to field release a juvenile, they shall complete, print and have the parent or guardian sign the Promise to Appear in a Juvenile Proceeding document. The court date and time field should be left blank, unless the officer is provided a court date by the CDW. This document shall then be taken by the officer, along with a copy of the electronic citation and electronic case report, to the CDW's office.

E. Electronic citations shall be transmitted prior to the end of the shift. Electronic citations shall be submitted using a currently approved department method.

F. In the event an MDC or desktop computer suffers a catastrophic failure or is stolen or lost, the officer shall report the incident to his/her immediate supervisor by memorandum stating the electronic citation numbers assigned. Supervisors shall forward the memorandum which advises the electronic citation numbers through the chain of command to the supervisor of Central Records and the supervisor of the Computer Information Systems Unit. Central Records will forward this information to the Kentucky State Police Records Section so the electronic citation numbers can be cancelled. If an MDC or desktop computer is replaced, the officer receiving the equipment shall request CIS move the remaining electronic citation numbers to the new equipment.

G. When voiding electronic citations, officers shall include their name, employee number, date, time, and reason why the citation was voided as well as any new citation numbers in the comments field. The citation must then be transmitted. The same information shall be written on a printed copy of the citation prior to turning in the citation to a supervisor or Central Records. No citation may be voided once a copy has been given to the violator.

H. Electronic citations shall be checked for completeness by the officer's immediate supervisor. If a citation is issued with any incorrect information, such as UOR, KRS or any identifying information and a copy has been given to violator who has left the scene, the citation shall not be voided. The officer that issued the citation is responsible for contacting the County Attorney's Office to request the citation be amended.

I. Citation numbers for all voided citations, physical arrests and juvenile citations shall be entered into the I5 Kentucky State Police database for accountability.

J. Officers shall be required to respond to all correspondence concerning citations which cannot be accounted for in the I5 Kentucky State Police database.

K. On every duty day, officers shall verify that all electronic citations they have submitted are moved from the "submitted" folder to the Kentucky State Police database "accepted" folder. The officer shall take a printed copy of any citations held in their "submitted" folder more than 72 hours to the court. This shall be completed on the officer's next duty day. If an officer is going on leave or departing from the department, they shall verify this prior to departure.

L. Officers shall maintain an appropriate supply of printed uniform citation forms in the event there is a failure of the officer's MDC or printer.

M. Officers should make a backup copy of electronic citations after a copy has been given to the violator. If the MDC or desktop computer fails, the backup shall be submitted from another computer.

N. Officers shall only print electronic citations on department approved forms, and only on department approved printers.

O. Officers shall not download electronic citation numbers or create, modify or issue electronic citations until they have completed appropriate training.

## **VII. TRAFFIC CITATION ACCOUNTABILITY**

### **A. Supervisors' Responsibilities**

1. Supervisors shall review printed and electronic uniform citations and warning notices turned in or submitted to them for completeness.

2. A commander may direct a supervisor to conduct an audit of their assigned employees' uniform citations:

a. To ensure that factual and complete information has been recorded

b. To review activity levels

c. To review uniform citation and/or warning notice issuance based on demographic factors

B. Warning Notice Accountability

1. Warning notices shall be entered into a database for analysis purposes. Warning notices found incomplete or with obvious errors shall be returned to the bureau of origin for correction.
2. Warning notices shall be compared to case number assignment logs to ensure that all warning notices have been received from the issuing officer.
3. Upon receipt of a written request received through the chain of command, subsets of the database or printed reports containing the activity of an individual officer or squad of officers may be released to a supervisor or commander for analysis purposes.
4. Warning notices shall be retained in accordance with the current retention schedule.
5. Planning and Analysis shall complete administrative reports concerning the issuance of warning notices at the direction of the unit lieutenant or Chief of Police.

C. Printed Uniform Citation Accountability

1. Printed uniform citations are issued to officers by Reports Desk employees.
  - a. All printed uniform citations shall be signed for utilizing the Uniform Citation Sign-Out Log.
  - b. Reports Desk employees will check the log to ensure that the control number of the uniform citation and the officer's signature correspond.
2. Printed uniform citations shall be checked for completeness by the officer's immediate supervisor prior to turning them in to Central Records. Printed uniform citations shall be turned in prior to the end of each shift. Report Desk employees will forward printed uniform citations to data entry employees. Copies of a uniform citation which are not retained by detention facility personnel shall be forwarded to Central Records.
3. Officers shall account for lost or stolen printed uniform citations by reporting same to their immediate supervisor by memorandum, stating the control numbers(s) for the missing printed uniform citations(s).
  - a. Supervisors shall forward memorandums which report lost or stolen printed uniform citations through the chain of command to the supervisor of Central Records.
4. When voiding printed uniform citations, officers shall sign, date, and write VOID in bold letters across the face of the uniform citation prior to turning it in to a supervisor or Central Records. No uniform citation may be voided once it has been turned in to Central Records.

5. Printed uniform citations which are unusable due to being damaged shall be turned in to the Reports Desk. Reports Desk employees will forward the damaged printed uniform citations to the Central Records supervisor for proper disposal.
6. Control numbers of all damaged printed uniform citations, voided citations, physical arrests and juvenile citations shall be entered into the Kentucky State Police database for accountability.
7. The last copy (hard copy) of the printed uniform citation will be maintained on file within the Central Records Unit according to the current retention schedule. All remaining copies will be forwarded to the Court Liaison, who will ensure they are delivered to the District Court Clerk's Office. The District Court Clerk maintains a record of court dispositions for all uniform citations which have not been lost, stolen, damaged or voided.
8. The Central Records Unit supervisor, or designee, shall conduct uniform citation audits as necessary. Annually, uniform citation audit reports generated from the Kentucky State Police database shall be forwarded to the bureau assistant chief for distribution to the Chief of Police, Staff Inspector and Accreditation Manager.
9. The Staff Inspector is authorized to request additional audits or expand the scope of routine uniform citation audits as needed. The Staff Inspector shall review all uniform citation audits to ensure adequate controls are maintained.
10. Officers shall be required to respond to all correspondence concerning uniform citations which cannot be accounted for in the Kentucky State Police database.

## **VIII. TRAFFIC EQUIPMENT OPERATIONAL PROCEDURES**

### **A. Speed Measuring Devices**

1. Radar units shall be used to promote traffic safety and to conserve energy. These goals shall be met by utilizing radar in areas where unsafe speeds are common, as well as areas where selective traffic law enforcement is needed to reduce injury collisions.
2. The approved radar units currently utilized by the department meet or exceed those standards promulgated by the National Highway Traffic Safety Association. The approved radar units include:
  - a. Kustom HR-12
  - b. Kustom KR-10SP
  - c. Kustom Golden Eagle
  - d. Kustom Falcon
  - e. Stalker Dual
  - f. Kustom Laser
  - g. Laser Technology LTI 20/20
  - h. Stalker LiDAR
3. All other radar units must be approved by the commander of the Bureau of Special

Operations prior to being used.

4. The Technical Services Unit shall coordinate an annual required check of all radar units by a repair agency to ensure that all units meet calibration standards.

a. Records concerning radar unit checks shall be maintained by the Technical Services Unit and are available when needed for court purposes.

5. Officers who are assigned either a permanent radar unit or who routinely check out a radar unit shall be responsible for the continued care and upkeep of the radar unit.

6. All officers are required to complete and pass a 64-hour training course titled "Police Radar Operator" prior to operating a police radar unit and issuing uniform citations based on the police radar unit. Officers shall maintain current radar certification by successfully completing a 4-hour course of instruction every three (3) years.

7. LiDAR/LASER units are not sent off for calibration since the unit self-calibrates; however, these units shall be maintained per the manufacturer's recommendations.

#### **B. Forms and Other Equipment**

1. All officers shall be required to have available during their duty hours a supply of all forms and equipment necessary to perform their assignments related to traffic law enforcement, collision investigation and related services.

### **IX. DUI PROCEDURES**

#### **A. Alcohol and Drug Impaired Traffic Offenders Enforcement Countermeasure Programs**

1. The primary objective of this program is to reduce alcohol and/or drug related traffic offenses by fielding units that are specially trained and equipped to apprehend and process alcohol or drug impaired drivers.

2. Special emphasis is placed on enforcement of laws related to driving while intoxicated and other statutes restricting drinking and driving.

3. The Bureau of Special Operations Traffic Section is responsible for enforcing all moving hazardous violations, with special emphasis on DUI enforcement.

4. Other department officers, as well as special units created through available state and federal grants, provide additional enforcement efforts in the areas of DUI, speeding, safety belt, traffic control devices and child restraint violations.

#### **B. Driving Under Influence of Alcohol and Drugs**

1. Officers must be alert for signs of alcohol and/or drug impairment in all contacts with motorists and make every effort to detect and apprehend those drivers who are DUI. After conducting an initial examination at the scene of the traffic contact and determining that

probable cause exists for the offense of DUI, officers shall arrest the offender unless there are exceptions, including injuries to the offender or if a Collision Reconstruction Unit (CRU) member is leading the investigation.

2. All recruit officers will successfully complete DUI detection and field sobriety training during their academy basic training. All officers will receive additional in-service or roll call refresher training when significant changes occur in the KRS procedures, or as needed.

3. Officers' tasks for DUI detection and pre-arrest screening are as follows:

- a. Recognize and identify specific driving behaviors that have a high probability of signifying the driver may be impaired by alcohol and/or drugs.
- b. Recognize and identify specific driving or other behaviors occurring during vehicle stops that provide additional evidence or suspicion that the driver may be impaired.
- c. Note all observations leading to the suspicion that the driver may be impaired.
- d. Exercise due care caution in pursuing potentially impaired drivers and be alert for unusual or inappropriate reactions from the driver.
- e. Notify E911 of location and vehicle registration number.
- f. Once the vehicle has stopped, do not allow the driver to move the vehicle. Document the time the driver ceased operation of the vehicle and monitor time in order to attempt to comply with the two-hour time limit for per se evidential testing.
- g. Interview the drivers and/or passengers, keeping in mind to recognize and identify specific characteristics, attitudes and actions commonly manifested by impaired drivers during face-to-face contact.
- h. Note all observations leading to the suspicion that the driver may be impaired. If these observations indicate impairment, request that the driver take field sobriety tests. Officers shall only administer standardized field sobriety testing approved by the Kentucky Law Enforcement Council.
- i. If necessary, the officer may request the driver take a Preliminary Breath Test (PBT) as a field sobriety test to assess impairment. Officers must keep the following in mind when using the PBT:
  1. Mouth alcohol will increase the results of the PBT and the officer shall determine if it has been at least 15 minutes since the driver last had alcohol in his/her mouth.
  2. If the driver has any questions about the PBT, the officer should answer them. The PBT is not involved with the Implied Consent Law.
  3. The PBT will not be given after the driver has been arrested.

4. The driver will not be allowed to smoke or put anything in their mouth for 3 minutes prior to the test being given.
  5. The officer should not use the results of the PBT as the sole basis for making a DUI arrest; they must conduct a thorough and complete investigation to obtain all possible evidence concerning impairment.
  - j. If the vehicle was not observed in motion and the officer has determined that probable cause exists to believe that the driver had been in actual physical control of the vehicle, the officer will conduct a DUI investigation if impairment is suspected.
  - k. Formulate the appropriate arrest decision based on the evidence accumulated in the above steps.
  - l. Officers making a DUI arrest should note the time of cessation of driving or end of actual physical control of the vehicle.
4. If the officer makes a DUI arrest, the officer shall process the offender as follows:
- a. Handcuff and search the offender.
  - b. Refer to GO series 2014-02 Interviews, Interrogations and Confessions for procedures related to administering *Miranda* warnings to an offender arrested for DUI.
    1. The officer has the option of administering the *Miranda* warning after the implied consent warning is given and evidential testing conducted, as long as a custodial interrogation has not begun.
  - c. Give the offender the option of having their vehicle towed at their own expense, or the offender can give the officer permission to secure the vehicle at the scene. If the offender refuses to decide, the officer shall have the vehicle towed. The officer may also release the vehicle to a non-impaired passenger, if the offender approves.
  - d. Arrange for transportation and safety of any passengers.
  - e. The offender shall be transported to the appropriate detention facility or location for evidential testing and processing.
  - f. The test(s) should take place within two (2) hours of the time the offender stopped operating the vehicle.
5. Evidential Testing
- a. Determine which evidential test to offer the offender:
    1. Alcohol-breath test: Located at the detention facility for adult offenders and the sally port (basement) of 150 N. Limestone for juvenile offenders. Observe the offender for at least 20 minutes at the test site before administering the

breath test.

2. Medication or illicit drugs: Blood test at the detention facility.
3. Multiple or unknown intoxicants: Blood test at the detention facility.
4. Marijuana or cocaine: Urine test using the urine bottle in the KSP Blood Kit. The officer may collect the urine sample without medical supervision. KSP Blood Kits, rubber gloves and urine cups will be stocked at the detention facility.

b. During the 20 minute observation at the test site, the offender must be given at least 10 minutes, but no more than 15 minutes, to attempt to contact an attorney. It is not the officer's responsibility to locate the telephone number of the offender's attorney. An opportunity to contact an attorney applies only to the first evidential test offered.

c. If the offender's attorney can arrive at the test site in time to view the test, the attorney can observe it. It is not the officer's responsibility to delay testing in order to accommodate the wishes of either the offender or their attorney.

d. Officers are to continue their observation period while the offender speaks to their attorney. Statements made by the offender are not privileged and should be written down by the officer. Officers shall not talk to the offender's attorney on the phone.

e. When officers have reasonable grounds to believe there is impairment by a substance which is not detected by a breath test, then blood or urine tests, or both, may be required in addition to a breath test, or in lieu of a breath test.

Note: The Lexington-Fayette Urban County Government is responsible for all costs for blood tests requested by officers.

f. Procedure for handling evidence in alcohol/drug related tests:

1. The offender shall be transported to the detention facility.
2. Officers requesting a blood alcohol test shall remain with the offender while the booking process is completed, and while the blood draw is completed. It is mandatory that the booking process be completed in order to obtain the test.
3. KSP lab blood alcohol test kits are stored at the detention facility.
4. Have the person administering the test fill the two capped vials in the kit.

Note: The gray capped vial contains a small amount of preservative for blood alcohol tests.

5. Fill out the information slip accompanying the kit.

6. Put the filled vials and the information slip back in the container and mail the container. (No postage required.)

7. Kentucky State Police blood alcohol kits with mailing label attached are to be deposited in a USPS collection box before the end of the officer's shift. In extremely hot weather, the kit shall be deposited inside the post office. Do not book these kits into property and evidence.

8. The report from the KSP Lab will come back to the officer whose name appears on the information slip in approximately 10-14 days.

g. Collision Reconstruction Unit blood test procedures:

1. The Collision Reconstruction Unit (CRU) will respond to and investigate collisions when there is a potential for a felony charge(s) and the collision involves a death and/or injury where there is the possibility for a death. The CRU will also respond to and investigate any collision involving an Urban County Government vehicle that involves a death, an injury where there is the possibility for a death, significant property damage and liability is questionable, or any officer-involved collisions in which the officer could face criminal charges.

2. If the collision as described in g 1 above meets the criteria for the report to be completed by Patrol instead of by CRU, a CRU officer will still respond to assist.

Note: Refer to GO 1992-03F Traffic Collision Investigation for additional information.

3. At all collision scenes described in 1 and 2 above, the CRU is responsible to handle any blood requests or court orders.

4. At all collision scenes described in 1 and 2 above, a blood draw shall be taken of all involved drivers.

a. The CRU officer will request each driver's consent for a blood draw.

b. If a driver refuses to give consent for a blood draw, the CRU officer shall seek a search warrant or other court order in accordance with KRS 189A.105 (2) (b).

c. If a driver is deceased, the CRU officer will request blood draw assistance from the Fayette County Coroner's office.

h. Implied Consent Warning

1. Read the Implied Consent Warning to the offender.

- a. The officer needs to read the Implied Consent Warning only once.
2. Once the Implied Consent Warning has been read, the officer must then read the section permitting the offender 10-15 minutes to contact an attorney.
  - a. Proceed based upon either the offender's attempt or declining the offer to attempt to contact an attorney.
3. Inform the offender which test(s) the officer is requesting the offender submit to, and ask if the offender will submit to the requested test(s).
4. Conduct the test(s) requested by the officer only if the offender agrees to take it or them.
  - a. Test refusal occurs when the offender refuses, by word or act, the request to take a test.
5. If the offender has agreed to take a breath test, but does not provide an adequate sample of breath for analysis, i.e. deficient sample is printed on the test record, another breath test is not offered. Once it is apparent the offender will not or cannot provide an adequate sample, the Kentucky Administrative Regulation states that if an officer gets a deficient sample, then a blood test must then be offered, under the Implied Consent law, to the offender.
6. Test refusal must be noted on the electronic uniform citation, the Implied Consent Warning and the electronic case report. Failure to take any or all requested tests constitutes a refusal.
7. If the offender has taken the requested test(s), the officer must then inform the offender of the right to have a test or tests of the offender's blood at the offender's expense, and ask the offender if they want such a test.
  - a. The test or tests may be performed by a physician, registered nurse, phlebotomist, medical technician or medical technologist at the hospital of the offender's choosing within a reasonable time of the offender's arrest.
  - b. If the offender wants a blood test(s) at the offender's expense, the offender will be informed of which local hospitals currently perform private blood alcohol testing, and what forms of payment each accepts.
    1. If the offender does not want a blood test(s) at the offender's expense, this will be documented on the Implied Consent Warning.
  - c. The offender will indicate to which hospital the offender wants to be transported, which will be documented on the Implied Consent Warning.

1. The officer must transport the offender to the local hospital of the offender's choosing, even if the hospital does not perform private blood alcohol testing or the offender cannot pay for the test.

d. However, transportation is the officer's only responsibility. If the offender has no money to pay for the test, they will be permitted a phone call, if requested, to make reasonable accommodations for delivery of the funds to the hospital. No transportation shall be provided to banks or ATM's to obtain the funds in the interest of security and officer safety. If the offender wants to contact their personal physician, they will be permitted a phone call to make the necessary arrangements for the physician to meet them at one of the local hospitals. They shall not be transported to any other medical facility to meet the physician (private office, medical building, etc.) for security reasons and for the safety of the officer.

8. Officers are prohibited from offering the offender advice, and shall only inform the offender of the law.

6. Turn the offender over to the detention facility personnel or Juvenile Intake worker once the investigation is complete. Follow established department guidelines if the offender requires medical treatment or hospitalization.

7. Log all DUI arrests into the master log kept at the detention facility regardless of what type of evidential test(s) were given or refused.

8. All tests administered on the Intoxilyzer shall be recorded in the master log at the detention facility regardless of what type of evidential test(s) are given or refused, including any tests that reported RFI interference, ambient failure, deficient sample or any other operational safeguard reports. This will ensure the log book entries correspond with the Intoxilyzer's internal intox entries.

9. The only acceptable way to enter the department's name in the Intoxilyzer is LFUCG PD.

10. The officer must thoroughly document all evidence gathered during the investigation. All currently approved electronic case reports and supporting documents shall be forwarded to the officer's supervisor for review and transmittal to Central Records.

a. The officer will note the aggravating circumstances in the narrative of the electronic uniform citation and in the electronic case report so the judge and prosecutor will have access to that information.

KRS 189A.010 [Excerpts]

(11) For purposes of this section, aggravating circumstances are any one (1) or more of the following:

- (a) Operating a motor vehicle in excess of thirty (30) miles per hour above the speed limit;
- (b) Operating a motor vehicle in the wrong direction on a limited access highway;
- (c) Operating a motor vehicle that causes an accident resulting in death or serious physical injury as defined in KRS 500.080;
- (d) Operating a motor vehicle while the alcohol concentration in the operator's blood or breath is 0.15 or more as measured by a test or tests of a sample of the operator's blood or breath taken within 2 hours of cessation of operation of the motor vehicle;
- (e) Refusing to submit to any test or tests of one's breath, blood or urine requested by an officer having reasonable grounds to believe the person was operating or in physical control of a motor vehicle; and
- (f) Operating a motor vehicle that is transporting a passenger under the age of 12 years old.

Effective: July 15, 2010

#### **X. SEAT BELTS, CHILD RESTRAINT SYSTEMS and CHILD BOOSTER SEATS PROCEDURES**

KRS 189.125 Requirements of Use of Seat Belts, Child Restraint Systems, and Child Booster Seats- Exceptions. [Excerpts]

- (1) Except as otherwise provided in this section, "motor vehicle" as used in this section means every vehicle designed to carry fifteen (15) or fewer passengers and used for the transportation of persons, but the term does not include:
  - (a) Motorcycles;
  - (b) Motor-driven cycles; or
  - (c) Farm trucks registered for agricultural use only and having a gross weight of one (1) ton or more.
- (2) A person shall not sell any new motor vehicle in this state nor shall any person make application for registering a new motor vehicle in this state unless the front or forward seat or seats have adequate anchors or attachments secured to the floor and/or sides to the rear of the seat or seats to which seat belts may be secured.
- (3) (a) Any driver of a motor vehicle, when transporting a child of forty (40) inches in height or less in a motor vehicle operated on the roadways, streets, and highways of this state, shall have the child properly secured in a child restraint

system of a type meeting federal motor vehicle safety standards.

- (b) Any driver of a motor vehicle, when transporting a child under the age of eight (8) years who is between forty (40) inches and fifty-seven (57) inches in height in a motor vehicle operated on the roadways, streets, and highways of this state, shall have the child properly secured in a child booster seat. A child of any age who is greater than fifty-seven (57) inches in height shall not be required to be secured in a child booster seat under this section.
- (4) As used in this section:
    - (a) “*Child restraint system*” means any device manufactured to transport children in a motor vehicle which conforms to all applicable federal motor vehicle safety standards; and
    - (b) “*Child booster seat*” means a child passenger restraint system that meets the standards set forth in 49 C.F.R. Part 571 that is designed to elevate a child to properly sit in a federally approved lap-and-shoulder belt system.
  - (5) Failure to use a child passenger restraint system or a child booster seat shall not be considered as contributory negligence, nor shall such failure to use a passenger restraint system or booster seat be admissible as evidence in the trial of any civil action. Failure of any person to wear a seat belt shall not constitute negligence per se.
  - (6) A person shall not operate a motor vehicle manufactured after 1981 on the public roadways of this state unless the driver and all passengers are wearing a properly adjusted and fastened seat belt, unless the passenger is a child who is secured as required in subsection (3) of this section. The provisions of this subsection shall not apply to:
    - (a) A person who has in his possession at the time of the conduct in question a written statement from a physician, advanced practice registered nurse, or licensed chiropractor that he is unable, for medical or physical reasons, to wear a seat belt; or
    - (b) A letter carrier of the United States postal service while engaged in the performance of his duties.

Effective: July 15, 2016

## **XI. PARKING ENFORCEMENT**

### **A. Enforcement and Towing of Parking Violations**

1. All on-duty officers and safety officers shall be observant for and enforce parking violations by issuing parking citations to vehicles illegally parked.
2. If a vehicle presents a hazard, the officer or safety officer will tow the vehicle in addition to

the parking citation.

3. When an officer or safety officer tows a vehicle, they shall issue a parking citation for the offense that justified the towing of the vehicle, with the following exception:

a. During a declared snow emergency and in accordance with RCO 18B, when an officer or safety officer tows a vehicle from a snow emergency route, the officer or safety officer should not cite the vehicle unless a supervisor authorizes under aggravating circumstances. When a parking citation is issued, the officer or safety officer shall describe briefly the circumstances in the space provided on the citation.

4. Wheel-lock devices shall not be affixed to any vehicle by an officer or safety officer for the enforcement of parking violations.

5. Officers or safety officers shall adhere to the following procedures when a uniform citation is left with a parked vehicle:

a. Complete only the ORI number and registered owner's name in the "OFFENDER/VIOLATOR" section of the citation.

b. Complete all relevant information in all other sections of the uniform citation.

c. Remove the violator's copy from the uniform citation.

d. After removing the violator's copy of the citation, complete the entire "OFFENDER/VIOLATOR" section.

6. Parking Citation Hearings

a. Central Records will coordinate all parking citation hearing notifications from the Lexington and Fayette County Parking Authority ([www.lexpark.org](http://www.lexpark.org)) to all department employees.

1. Central Records is responsible for forwarding the hearing notification to the citing officer's bureau, which is responsible to directly notify the officer or safety officer.

b. If a parking citation hearing involves a vehicle being impounded by the officer or safety officer, then the officer or safety officer is required to attend the hearing.

c. In cases involving only the issuance of a parking citation, officers or safety officers are not required to attend parking citation hearings. In these cases, officers or safety officers must submit a notarized statement at least three (3) standard business days prior to the hearing date. Officers or safety officers are responsible for sending statements to the Lexington and Fayette County Parking Authority. Use of interoffice mail for this purpose is acceptable.

## **XII. FIRE LANE ENFORCEMENT**

A. Authority

1. The Fire Chief has exclusive responsibility and authority to designate fire lanes within Fayette County. Under authority of KRS Chapter 227, the Fire Chief may designate fire lane rights-of-way on private property.
2. At any active fire scene, an officer or safety officer shall obey the emergency orders of the Fire Commander on the scene in clearing lanes, regardless of whether the lanes are marked.
3. Department officers and safety officers are authorized to enforce fire lane violations on private property by authority of KRS 227.320.
4. Department officers and safety officers are authorized to enforce fire lane violations on public streets and rights-of-way by authority of RCO 18-118.

B. Violations on Private Property

1. Department officers or safety officers citing offenders for fire lane violations (KRS 227.320) on private property shall utilize either the uniform citation or the parking citation (Form 239).
2. If the uniform citation is utilized, officers or safety officers shall cite the driver of the vehicle when information on the driver is available. If this is not possible, officers or safety officers shall obtain all vehicle information, write the citation to the registered owner of the vehicle and indicate a court date not less than thirty (30) days in the future.
3. Whether or not a vehicle is occupied while in a fire lane shall not be a factor in the officer's or safety officer's decision to cite. However, as in all enforcement matters, the officer or safety officer is authorized to exercise reasonable discretion.

C. Violations on Public Streets and Rights-of-Way

1. Department officers and safety officers citing offenders for fire lane violations on public streets (RCO 18-118) shall utilize the parking citation (Form 239).
2. Whether or not vehicle is occupied while in a fire lane shall not be a factor in the officer's or safety officer's decision to cite. However, as in all enforcement matters, the officer or safety officer is authorized to exercise reasonable discretion.

D. Fire Zone and Lane Markings

1. In determining whether or not an offense exists, the following elements must be present:
  - a. The zone or lane must have been designated a fire lane by the Fire Chief
  - b. The zone or lane must be conspicuously marked in accordance with uniform standards, as follows:
    1. Public streets and right-of-way must be signed with an above-grade posting

of the uniform standard white 12" x 18" metal sign with red lettering stating "FIRE LANE - NO PARKING".

2. Private property must be posted with an above-grade sign that meets with the approval of the Fire Chief.
3. Signs must be posted no further than one hundred feet apart.
4. Signs may be posted on a raised post or affixed to buildings along the length of the fire lane right-of-way.

c. In addition to being marked with the sign, the curbing of the zone must be painted yellow. In the absence of curbing, the pavement along a fire lane must be striped yellow.

Note: Department officers and safety officers are prohibited from enforcing any fire lane on private property where any of the elements listed in section XI. D. are absent.

#### E. Loading Zones within Fire Lanes

1. Within certain shopping centers designated by the Fire Chief, fire lanes may contain clearly marked zones to be used exclusively by commercial vehicles while engaged in the process of loading or unloading merchandise. These zones are conspicuously marked with a metal sign (black lettering on a white background), and with curbing or pavement painted white for the length of the loading zone.
2. Unlawful or improper use of these zones by any vehicle (commercial or private), when on private property, will not be cited by department officers or safety officers. Private property owners may enforce parking restrictions under authority of KRS 189.725 and RCO 18-112(c).
3. Impoundment of unoccupied vehicles parked in fire lanes on private property and public streets is authorized by RCO 18-112, and may be appropriate in situations deemed extraordinary by the officer or safety officer.

### **XIII. HANDICAPPED PARKING ENFORCEMENT**

#### A. Authority

1. Department officers and safety officers shall enforce handicapped parking violations covered under KRS 189.459. Under this statute, a vehicle displaying appropriate designation as a vehicle with plates or placards for persons with a disability may be parked in a parking space designated as accessible to and for the use of a person with a disability.
2. When parked where a parking limit is imposed, the vehicle may be parked for a period of two (2) hours in excess of the legal parking period permitted by local authorities except where local ordinances or police regulations prohibit parking.
3. KRS 189.396 authorizes the enforcement of handicapped violations in off-street privately

owned parking facilities for public use, except “for-hire parking facilities listed in KRS 189.700”.

**B. Procedure**

1. Officers and safety officers citing offenders for violation for KRS 189.459 shall utilize the uniform citation.
2. Officers or safety officers should attempt to get all the information available on the driver of the vehicle or the registered owner of the vehicle.
3. Officers or safety officers shall indicate a court date on the uniform citation of not less than two (2) weeks in the future.

**C. Towing for Handicapped Violations**

1. Under ordinary circumstances, vehicles parked in violation of KRS 189.459 shall only be cited. RCO 18-113.3 extends the authority to tow for such violations, as follows:
  - (1) Any vehicle parked in a designated handicapped parking slot on a public street or in an off-street parking facility offered for public use as defined in KRS 189.396 in violation of KRS 189.456 is, if unoccupied, declared to be a hazard which endangers the safety of handicapped individuals.
  - (2) Any police officer or safety officer of the urban county government or any parking control officer employed by or otherwise under the control of the Lexington and Fayette County Parking Authority is authorized to cause such illegally parked vehicle to be removed and impounded as provided in section 18-112 herein.